

**Before the
Federal Communications Commission
Washington, D.C. 2054**

In the Matter of)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Newspaper/Radio Cross-Ownership)	MM Docket No. 96-197
Waiver Policy)	

Reply Comments of Kenneth W. Bowles

I. Summary

In the Commission's notice, several options were proposed with respect to the rule concerning cross-ownership of broadcast stations and newspapers.¹ This commentator proposes that the rules should be modified to allow FM stations on third adjacent channels in limited cases that would broadcast local programming and would be owned by local licensees.

II. Commentator

Dr. Bowles is a member of the Society of Broadcast Engineers and National Religious Broadcasters. He first became involved in radio broadcasting around 1960 and has managed KMFA-AM, KMSM-FM, KGNN-AM/FM, and KGNV-FM. His undergraduate degree is in Electrical Engineering. Currently he is General Manager of Midwest Christian Media, Inc., a not for profit organization assisting organizations to apply for religious radio stations. His comments do not necessarily represent the opinions of these organizations.

III. Reply Comments

Comments made by individuals and organizations like those by Consumers Union, Consumer Federation of America, Civil Rights Forum, Center for Digital Democracy,

¹ FCC Order and Notice of Proposed Rule Making, FCC 01-262, adopted: September 13, 2001, paragraphs 34 and following.

Leadership Conference on Civil Rights, and Media Access Project² successfully document the need that the rule endure.

However, there are changes to the Commission's rules that need to be made with respect to cross-ownership no matter if the current rule is retained, modified, or eradicated. If the rule is eradicated or made less strict, the following suggested changes would mitigate the damage. If the rule endures it needs to be made stricter by incorporating the following changes. MAP did not suggest this area of change and thus there is a need for these reply comments.

A. The Absence of Local Programming in Densely Populated Areas

The reply comments of Edward V. Mirmak document the legal standard in *Red Lion* that, "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."³

The evolution of the Commission's rules has resulted in the erosion of the rights of listeners in areas where population density is high.

For example, the radio stations in Franklin County, Missouri, where the population density is moderate, cover their cities of license in great detail. They broadcast news that reports on all the meetings of local government and school and college districts. A veteran's day or right to life rally may be broadcast live. Several local church services are heard on Sundays. Complete schedules of high school basketball and football games are broadcast live—sometimes even volleyball games. Funeral notices are announced. Interview programs can be heard that include local persons discussing local topics. Announcement provided by local service organizations can be heard.

However, in nearby St. Louis County, Missouri, where the population density is high, local issues are rarely heard on radio and television stations. Most of these stations are really regional and rarely offer sufficient coverage of individual political subdivisions, churches, service organizations, schools, and colleges. In fact the number of stations in St. Louis County that have news departments is small and it continues to decrease. The November '2001 edition of *The St. Louis Journalism Review* reported the closing of the news department of Channel 30, KDNL-TV on October 12, 2001.⁴

The St. Louis Journalism Review in its article, "Who Owns the Local Media, You'll Have to Dial Long Distance to Reach the Boss of Your Local News," says:

² Date Received by the Commission: 12/3/2001. These comments will hereafter to be referred to as the comments by MAP.

³ Date Received by the Commission: 1/7/2002.

⁴ "Last Days at Channel 30."

More and more, big-city dailies are being bought up by huge newspaper chains with corporate headquarters hundreds of miles away from their newsrooms. In fact, the vast majority of American newspapers is owned by a handful of corporations—corporations that also own the majority of the nation’s television and radio stations. The corporate bosses are rarely knowledgeable about local issues. They view the news from the bottom line. . . .⁵

The St. Louis news media even has trouble covering regional issues. The article goes on to indicate that “. . . no news outlet in St. Louis has a reporter dedicated solely to covering labor unions. . . . Even though a huge number of people in the metropolitan area belong to unions, not a single local reporter is intimately familiar with the details, issues and undercurrents of labor unions.”⁶

There is also the concern that the large mega-corporations could control the content of programming to accomplish their own goals of influencing listeners.

Take KMOX radio.

(We don’t mean to pick on KMOX. *The St. Louis Journalism Review* has often said that KMOX has the finest radio newsroom in the city and one of the best in the country. But it’s a perfect example.)

KMOX is owned by Infinity Radio which, in turn, is owned by Viacom, Inc. Viacom’s other properties include Paramount Pictures, MTV, VH1, Blockbuster, Simon & Schuster, Scribner’s, Pocket Books, Nickelodeon, CBS Television, the UPN network, the Movie Channel, the Sundance Channel, TNN, theme parks, Star Trek Properties, Showtime, Black Entertainment Television, the World Wrestling Federation, Internet companies, more than 100,000 copyrights on musical works, advertising rights on thousands of buses, subways, trains and billboards, 184 radio stations, 39 television stations and the list goes on.

It doesn’t take a rocket scientist to see how Viacom can maximize profits through what business people call “synergy”—what the rest of us would call “shilling.”

Unfortunately, most people don’t realize that their favorite TV news anchor works for a large corporation which has virtually no stake in St. Louisans being well-informed.⁷

Over the years the Commission’s rules have eliminated the rights of listeners in highly populated areas to have access to local programming and a fair treatment of local issues.

⁵ February 2002 edition, page 16.

⁶ Page 17.

⁷ Ibid.

The removal or dilution of the cross-ownership rule will further exasperate the situation by reducing the number of independent sources of coverage and by encouraging further absence of local programming.

B. Creating New Class A Stations to Fill the Gap

It is recommended that the Commission revise its rules to incorporate the following:

1. Licensees of existing stations that do not cover local issues in detail must accept acceptable interference from new stations that propose such coverage. In the case of FM, the new stations would be licensed as Class A but would not be required to offer 3rd adjacent channel interference protection to existing stations. In MM Docket No. 99-25, the Commission found that such interference would be at acceptable levels.⁸
2. The minimum effective radiated power and antenna height above average terrain combination would be 100 watts at 100 feet. This would allow the freeing of unused spectrum for a useful number of stations.
3. It would be the burden of the existing station to prove that it already provides significant amounts of local programming to avoid a new station(s) on its 3rd adjacent channel(s). Programming would be defined as local when its subject material addresses units of the culture that are found exclusively in the cities covered by the 1 mv/m contour of the proposed new station. To avoid such a new station, the existing station would have to prove that it had broadcast an average of 10 hours of such local programming between the hours of 6 AM and 6 PM per week for the two years prior to the filing of an application for such a new station.⁹
4. An applicant for such a new station would have to be local. This would help insure a long-term commitment to local programming.
5. The new station would be noncommercial. This would help keep the cost of procuring the license, constructing the station, and keeping the station on the air within the reach of local owners by eliminating the auction process, eliminating taxes, reducing music royalty fees, and modifying or eliminating other costs.

⁸ Report and Order, adopted 1/20/2000, paragraph 104.

⁹ The R&O for Docket 99-25 required 8 hours/day of local programming if the applicant were to qualify for a mutually exclusive applications tiebreaker point. See paragraph 144. However, the definition of local programming was not as strict as that proposed above.

Thank you for your consideration!

A handwritten signature in black ink, appearing to read "Kenneth W. Bowles". The signature is fluid and cursive, with a long horizontal stroke at the end.

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